

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: Mr. Chairman and members of the Convention. It is with some reluctance that I rise to oppose this amendment, but I feel that I have a duty to perform.

I am puzzled by one question and that is this. How shall we reconcile brevity with the idea of meeting the needs of the people who sent us down here.

Now, if we decide in behalf of brevity, I have one suggestion, and I am not attempting to be facetious. This Convention has the authority to abolish the entire Constitution as it is now written and go home to leave it all to the legislature. We can just tear the whole Constitution up by a majority vote and go home and let the writers on the Style Committee do their job while we are at home having Christmas dinner.

Now, we have reached an important issue. We have discussed at some length the possible payment of damages to citizens who have been injured by governmental action in the acquisition of land or by some governmental action which might inadvertently hurt a citizen.

Now, if we are going to have this same test I suggest that we give this some thought. Since we have been here we have learned that the legislature does not have adequate facilities. We have been here enough to look around. They do not even have rooms, they do not have clerks, and they do not have sufficient staff. They do not have sufficient buildings and yet we are heaping all these duties on them and saying let them do it.

I think I voted for my good friend on the right almost consistently, but I think it is time to put a brake on it, and I ask you to defeat this amendment.

Thank you, Mr. Chairman.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

*(Call for the question.)*

THE CHAIRMAN: The Chair recognizes Delegate Willoner to speak in opposition.

DELEGATE WILLONER: Mr. Chairman, I speak in opposition to this amendment, and I think my voting has demonstrated a consistent position for constitutional purity, more consistent than Mr.

Scanlan, because I was the only delegate to vote against the militia provision.

This is prohibiting the state from punishing an individual as in the taking of property, and we thought so much about property that we thought the damages should be repayed. Here we have a chance to protect people.

Should the word go out that we think more of property than people, it would seem to me to be a horrible principle.

This is a prohibition on the government to keep them from pleading sovereign immunity. I think it is important. The history of over 200 years that this doctrine has been in this State, is that it has not been eroded enough to make it a serious inroad.

Thirty other states have eliminated this by court decision. There is a whole body of law on this. Every person in this state is liable except the State of Maryland. We can live with it, the State of Maryland should be able to.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 9 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 9. A vote No is a vote against. Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 38 votes in the affirmative and 72 in the negative, the motion is lost. The amendment is rejected.

The pages have distributed to your desk amendment AJ. Please mark it Amendment AJ. Please mark it Amendment No. 8. It has already been adopted.

Delegate Kiefer, do you now desire to offer your Amendment D?

DELEGATE KIEFER: Yes, Mr. Chairman.

THE CHAIRMAN: This will be Amendment No. 10. It has already been distributed to your desk. The amendment has been proposed by Delegate Kiefer. Is there a second?